



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	129	Child Protection Investigations	12/13/2011
Subchapter:	7	Findings And Documentation	
Section	3	Investigation findings (N.J.A.C. 10:129-7.3)	

§10:129-7.3 Investigation findings

(a) The Department representative shall evaluate the available information and, for each allegation, determine whether abuse or neglect has occurred, and shall make every reasonable effort to identify the perpetrator for each allegation of abuse or neglect.

(b) The Department representative shall make findings for each report in accordance with (c) below within 60 days of the report being received at the State Central Registry, except for good cause approved by the office manager or designee. The office manager or designee may grant extensions in increments of 30 days, if the child protective investigator is continuing efforts to confirm credible information.

(c) For each allegation, the Department representative shall make a finding that an allegation is "substantiated," "established," "not established," or "unfounded."

1. An allegation shall be "substantiated" if the preponderance of the evidence indicates that a child is an "abused or neglected child" as

defined in N.J.S.A. 9:6-8.21 and either the investigation indicates the existence of any of the circumstances in N.J.A.C. 10:129-7.4 or substantiation is warranted based on consideration of the aggravating and mitigating factors listed in N.J.A.C. 10:129-7.5.

2. An allegation shall be "established" if the preponderance of the evidence indicates that a child is an "abused or neglected child" as defined in N.J.S.A. 9:6-8.21, but the act or acts committed or omitted do not warrant a finding of "substantiated" as defined in (c)1 above.

3. An allegation shall be "not established" if there is not a preponderance of the evidence that a child is an abused or neglected child as defined in N.J.S.A. 9:6-8.21, but evidence indicates that the child was harmed or was placed at risk of harm.

4. An allegation shall be "unfounded" if there is not a preponderance of the evidence indicating that a child is an abused or neglected child as defined in N.J.S.A. 9:6-8.21, and the evidence indicates that a child was not harmed or placed at risk of harm.

(d) A finding of either established or substantiated shall constitute a determination by the Department that a child is an abused or neglected child pursuant to N.J.S.A. 9:6-8.21. A finding of either not established or unfounded shall constitute a determination by the Department that a child is not an abused or neglected child pursuant to N.J.S.A. 9:6-8.21.

(e) The Department representative shall determine if abuse or neglect occurred. The Department representative shall substantiate abuse or neglect if one or more of the circumstances in N.J.A.C. 10:129-7.4 exists. Absent any of the circumstances in N.J.A.C. 10:129-7.4, the Department representative shall determine if the abuse or neglect is substantiated or established based on the factors listed in N.J.A.C. 10:129-7.5.

(f) The Department representative shall not make a finding of substantiated or established on an allegation of medical neglect or medical neglect of a disabled infant when the harm or risk of harm to a child is the sole result of treatment in good faith by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof. The Department representative may need to develop a safety protection plan after consulting with the deputy attorney general.

(g) Pursuant to N.J.S.A. 9:6-1 et seq., the Superior Court, Chancery Division, has jurisdiction to adjudicate determinations that a child is an abused or neglected child.

(h) The Department shall retain the administrative authority to:

1. Determine whether an allegation of conduct determined to be abuse or neglect by the Superior Court,